

Notice of Allowability

Application No.

10/047,842

Applicant(s)

DOYLE ET AL.

Examiner

Art Unit

Kuen S. Lu

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 25, 2005.
2. ☒ The allowed claim(s) is/are 4-9 and 11-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. After a thorough search and examination of the present application and in light of the prior art made of record, Applicant's response of July 25, 2005, and Claims 4-9 and 11-19 are allowed.

Reason for Allowable

2. In the Examiner's Office Action for non-Final Rejection of May 18, 2005, 35 U.S.C. 35 U.S.C. § 102, rejections was based on primary reference, Amer et al. (Noah: LOW-COST FILE ACCESS PREDICTION THROUGH PAIRS, Amer et al., IEEE, 2001). In the response filed on July 25, 2005, the Applicant argued that the Noah reference does not teach the following elements of claim 6:

"generating by a content authorizing tool a plurality of files and hints that specify one or more of the files that are likely to be referenced within a temporal proximity of reference to a selected other one of the files;
receiving at a storage system the plurality of files and hints from the content authorizing tool;
and
using the received hints to allocate storage within the storage system fro the files."

After a further review of the above consideration and an update search conducted as described below, the claim 6, as lastly amended on July 25, 2005, is hereby considered allowable.

A search for the prior arts on EAST database has been recently conducted to further extend and update the scope the searches conducted during the past two years on domains (EAST,

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NPL-ACM, Google, NPL-IEEE, Oracle, Sun Micro, etc.). The prior arts searched and investigated in domains (EAST, NPL-ACM, Google, NPL-IEEE, Oracle, Sun Micro, etc) do not fairly teach or suggest the teaching of the combined elements as claimed in the only independent claim 6.

The dependent claims 4-5, 7-9 and 11-19, depending claim 6, also distinct from the prior art for the same reason.

3. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuén S. Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:30 am-5:30 pm). If attempts to reach the examiner by telephone pre unsuccessful, the examiner's supervisor, Jean R. Homere, Esq. can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu

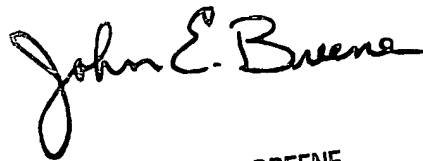

Patent Examiner

October 14, 2005

Jean R. Homere, Esq.

Supervisory Patent Examiner

October 14, 2005



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100